

Appl. No. 09/328,667

Attorney Docket No.: 113394

**IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE**

**RECEIVED
CENTRAL FAX CENTER**

PATENT APPLICATION**SEP 27 2004**

Application No. : 09/328,667
Inventor(s) : Radhika R. Roy
Filed : June 9, 1999
Art Unit : 2663
Examiner : Duc T. Duong
Docket No. : 113394
Title : System and Method for Gatekeeper-to-Gatekeeper
Communication

**COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231**

DECLARATION UNDER 37 C.F.R. 132

Michael B. Jones, residing at 1 Drift Way, Florham Park, New Jersey, hereby
declares as follows:

1. I am one of the inventors in United States Patent 6,374,302 issued April 16, 2002 to Galasso et al (herein "the Galasso patent"). At the time that the invention claimed in the Galasso patent was made, I was employed by the patent assignee, AT&T Corp, as a communications engineer.
2. Prior to being employed by AT&T Corp., I received a bachelors degree from the University of Michigan in 1974 and a masters degree from the University of Michigan in 1975.
3. I am currently employed as a director of business development by Radvision Corporation.
4. I am an author on approximately 8 technical papers and white papers published since 1980 on topics generally related to multimedia broadband communications. I am an inventor or co-inventor on three issued United States patents relating to telephone messaging and to networking, including the Galasso patent.

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5. Based on my educational training, publishing and work experiences, I have become familiar and knowledgeable as to the level of skill possessed by persons skilled in the telecommunications and networking arts. I have also become familiar and knowledgeable as to the manner in which such persons read and interpret technical disclosures.
6. This declaration relates to the following sentence appearing at col. 7, lines 41-43 of the Galasso patent making reference to the gatekeepers shown in FIG. 3 of the Galasso patent:

If desired, the US master gatekeeper 550 can directly query the Europe master gatekeeper 560 for address translation when required.

7. The term “directly query” in the above-quoted sentence was intended by me and (I believe) by my co-inventors as referring to one of two situations, in both of which communications pass through global master gatekeeper 570. Those two situations are described at, for example, col. 7, lines 27-55 of the Galasso patent.
8. Moreover, as detailed below, I believe that a person skilled in the art reading the disclosure of the Galasso patent would interpret the above-quoted sentence as involving a query that passes through global master gatekeeper 570.
9. In particular, one of those the situations alluded to in paragraph 7 is an indirect query of Europe master gatekeeper 560. More particularly, global master gatekeeper 570 has a database 575 in which address translations can be stored. In such a case, US master gatekeeper 550, wishing to obtain the translation of an address in the Europe Administrative Domain, does not have to query Europe master gatekeeper 560 because the information may be available in global master gatekeeper 570's database 575. US master gatekeeper 550 therefore *first* queries global master gatekeeper 570. If global master gatekeeper 570 does not have the information in its database, then global master gatekeeper 570 will, in turn, query Europe master gatekeeper 560 and upon receiving the desired information will thereafter relay the information back to US master gatekeeper 550. As noted above, this would be an indirect query of Europe master gatekeeper 560.

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10. In a direct query, by contrast, it was envisioned by me and (I believe) by my co-inventors that US master gatekeeper 550 would focus its query on Europe master gatekeeper 560 in the first instance by specifying Europe master gatekeeper 560 as the entity from whom the information is sought. This would be the case if, for example, the Global Administrative Domain included only global master gatekeeper 570 but not database 575. Or US master gatekeeper 550 may have some reason why it wishes the information to come from Europe master gatekeeper 560 without global master gatekeeper 570 being involved in responding to the query.
11. Even in this direct query scenario, however, it was envisioned by me and (I believe) by my co-inventors, that the request focused on Europe master gatekeeper 560 would pass through global master gatekeeper 570 because the route for queries from US master gatekeeper 550 to Europe master gatekeeper 560 was intended to include global master gatekeeper 570. Global master gatekeeper 570 would, in this case, simply be acting as part of the H.323 signaling infrastructure as a way for US gatekeeper 550 to get its request delivered to Europe master gatekeeper 560.
12. I understand that an Office action was issued on 06/30/2004 in the prosecution of patent application 09/328,667 filed by Radhika R. Roy ("the application"). I also understand that the examiner in that application has pointed to a Webster's dictionary definition of the word "directly" as support for the proposition that the direct query scenario described above is inconsistent with the query being passed through the global master gatekeeper.
13. I do not agree with the patent examiner that use of the term "directly query" is inconsistent with the query being passed through the global master gatekeeper. In particular, to directly *query* the Europe master gatekeeper 560 simply means that the Europe master gatekeeper is the entity being queried, i.e., asked for the information, without the query possibly being acted on by the global master gatekeeper. Thus use of the term "directly query" does not preclude the possibility that the query will pass *through* the global master gatekeeper without the global master gatekeeper actually being asked for an answer.

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14. I also understand that the patent examiner has pointed to the Webster's dictionary definition of the word "directly" as support for the proposition that the word "directly" implies a physical connection between the US and Europe gatekeepers that does not include global master gatekeeper 570.
15. Again, I disagree. I believe that the examiner has confused the idea of a direct *query*, wherein only the Europe master gatekeeper is being asked for a reply, with the idea of a direct physical connection, which is something totally different.
16. In addition, referring to a dictionary definition is not the way that a trained engineer or other technologist reads or interprets technical material. Rather, the way in which such a person would come to an understanding of a term in a technical passage, such as the term "directly query" in the Galasso patent, would be to try to derive the intended meaning from the context—that is, from the technical material itself. A person skilled in the art interprets words and phrases in a technical disclosure based on an understanding of the import of the disclosure itself. The fact that a dictionary may include a different meaning would not override, in the mind of a technical reader, the clear technical import of a disclosure in which the word is used to mean something else.
17. This being the case, I believe that a person skilled in the art, reading the disclosure of the Galasso patent, would interpret the term "directly query" as referring to the situation described in paragraphs 10 and 11 above in which the query passes through global master gatekeeper 570. I therefore believe that the person skilled in the art would not understand that term to refer to the possibility of a connection between the US and Europe master gatekeeper 560s that bypassed global master gatekeeper 570.
18. The basis for the above-stated belief is the import of the disclosure of the Galasso patent taken as a whole and with everything understood in context. In particular, the person skilled in the art would understand the passage at col. 7, lines 27-55 as offering two alternatives, namely the indirect scenario and the "directly query" scenario discussed above. Both of those alternatives are consistent with the hierarchical architecture disclosed in FIG. 3, as already described. Therefore, the

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person skilled in the art would not be led to think that the term “directly query” would involve an architecture that is not at all depicted in the FIG.

19. Further passages in the Galasso patent would also lead the person skilled in the art to understand that all of the disclosed scenarios would involve communications up and down through a hierarchy, i.e., though global master gatekeeper 570. I specifically note the following two passages in the Galasso patent, both of which make clear that all communications within networks of the type disclosed in the patent would involve hierarchical signaling rather than direct signaling between entities at the same hierarchical level:

[T] he present invention imposes a hierarchical signaling infrastructure between gatekeepers, gateways and terminals.
[col. 5, lines 27-29]

Communication between administrative domains occurs using a hierarchical signaling between master gatekeepers.
[col. 5, lines 34-37]

I specifically note in the first of the above quotes the fact that the invention disclosed in the Galasso patent imposes a hierarchical signaling infrastructure.

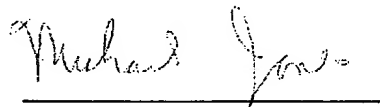
20. Given the passages quoted in the paragraph above, and the overall disclosure, the person skilled in the art would clearly be led to interpret the term “directly query” to mean, as the term itself says, that there would be a direct *query* —that is, a query that only Europe master gatekeeper 560 is supposed to read and respond to—but not a direct physical connection that bypassed global master gatekeeper 570.
21. In light of these teachings in the Galasso patent, I believe that even if a person skilled in the art would, for some reason, look up the term “directly” in a standard English dictionary, or even in a technical dictionary, this would not lead that person to interpret the Galasso patent any differently than what I have stated herein. No particular definition found in a dictionary would be looked to by a person skilled in the art to infuse meaning into a term in a patent disclosure that was not consistent

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with the totality of that disclosure. Here, the dictionary meaning of the term "directly" as quoted by the examiner is inconsistent with the Galasso patent.

22. Moreover, a principal focus of the invention disclosed in the Galasso patent was a way to allow voice-over-IP service providers to create scalable networks, as laid out in the Background of the Invention section of the patent. A person skilled in the art would know that a realistic number of gatekeepers for such a network could be a number like 2,000. A person skill in the art would thus also know that making direct connections between even a small subset of 2,000 gatekeepers unworkable. If only 10% of the gatekeepers had direct connections, this would mean 19,900 individual direct connections ($200 \times 199 / 2$), which would be an unrealistic number of connections to support. In the extreme case where all 2,000 gatekeepers were directly connected, there would have to be 1,999,000 connections ($2000 \times 1999 / 2$).
23. I hereby acknowledge that I have been warned that any willful false statements and the like are punishable by fine or imprisonment, or both (18 U.S.C. 1001) and may jeopardize the validity of the application or any patent issuing thereon.
24. All statements made of my own knowledge are true and all statements made on information and belief are believed to be true.



Michael B. Jones

Dated: September ²² 2004.